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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-----------------------|----------------------|------------------|
| 10/071,965 | 02/06/2002 | Peter Leighton Brooke | 089971-000000US | 1511 |
| 20350 | 7590 | 06/22/2004 | EXAMINER | |
| TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834 | | | MAUST, TIMOTHY LEWIS | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3751 | |

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/071,965

Applicant(s)

BROOKE ET AL.

Examiner

Timothy L Maust

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3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15-20, 32-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-20 and 32-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/6/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings filed on 2/6/02 are informal, since the letters, numbers and lines are not uniform in nature throughout the Figures. In order to avoid abandonment of this application, corrected formal drawing are now required in reply to the Office action. The correction will not be held in abeyance.

Election/Restrictions

Applicant's election without traverse of Group I is acknowledged. Claims 1-13, 15-20 and 32-35 are pending. Claims 14 and 21-31 are cancelled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 3, 5-7, 11-13, 15, 16 and 32-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Fjernset et al.

In regard to claims 1, 11 and 12 the Fjernset et al. reference discloses a "helicopter bucket" (Figure 1) comprising a "fluid holding vessel" (13 and 19); and an adjacent, moveable, outside "pump" 2, as claimed.

In regard to claims 2 and 3, see "release valve" 17.

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In regard to claims 5 and 7, see page 4, line 1.

In regard to claim 6, the engine is "electrically" controlled by a remote system that ultimately controls the hydraulic pump.

In regard to claim 13, see "hose" 3 in Figure 1.

In regard to claim 15, see page 4, lines 8-12.

In regard to claim 16, inasmuch structure that is defined by "protective guard", the perforated cover (Fig. 1, unlabeled; left side of pump 2) meets the claimed limitation.

In regard to claims 32 and 33, see "top" 24 and "rigid sidewall" 13 in Figure 1.

In regard to claim 34 and 35, see "top" 24 and "non-rigid sidewall" 19 in Figure 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fjernset et al.

The Fjernset et al. reference discloses the invention as claimed (discussed supra), but does not disclose a "battery" powered system. It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute battery power for hydraulic power, since Examiner takes Official Notice that it was well

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know in the art that pumps are conventionally powered by batteries, hydraulics, fuels, etc...

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fjernset et al.

The Fjernset et al. reference discloses the claimed invention except for locating the pump inside of the bottom or inside of the valve. It would have been obvious to one having ordinary skill in the art at the time the invention was made to place the pump in either location, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japiske*, 86 USPQ 70.

Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fjernset et al. in view of Kaufman et al.

The Fjernset et al. reference discloses the claimed invention except for having a load cell or level switch. However, the Kaufman et al. reference discloses another helicopter and bucket fire fighting system having liquid level sensors or load sensors to determine the amount of liquid within the bucket. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ liquid level sensors or a load sensor on the Fjernset et al. device in view of the teachings of the Kaufman et al. reference in order to inform the pilot the amount of liquid within the bucket (see col. 12, lines 30-46).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L Maust whose telephone number is (703) 308-3390. The examiner can normally be reached on Tue. - Fri. 6:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (703) 308-2580. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Timothy L Maust
Primary Examiner
Art Unit 3751

Tlm
6/8/04